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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,¹
USA Capital Diversified Trust Deed Fund,
LLC,
USA Capital First Trust Deed Fund, LLC,²
USA Securities, LLC,³
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**Status And Agenda For February 20,
2009 Hearings**

Hearing Date: February 20, 2009
Hearing Time: 9:30 a.m.
10:30 a.m.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☒ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Agenda for 9:30 a.m.

1. **First Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Investment in Roam Development Group, LP Loan Except for Amounts Designated as "Unremitted Principal": 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11**

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

Objection Filed: *First Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Investment in Roam Development Group, LP Loan Except for Amounts Designated as "Unremitted Principal"* filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 6702]

Status No response filed.

2. **Second Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Investment in Roam Development Group, LP Loan Except for Amounts Designated as "Unremitted Principal":** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection Filed: *Second Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Investment in the Roam Development Group, LP Loan Except for Amounts Designated as "Unremitted Principal"* filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 6704]

Status No response filed.

3. **Third Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Investment in Roam Development Group, LP Loan Except for Amounts Designated as "Unremitted Principal":** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection Filed: *Third Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Investment in the Roam Development Group, LP Loan Except for Amounts Designated as "Unremitted Principal"* filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 6706]

Status No response filed.

4. **Fourth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in Roam Development Group, LP Loan Except for Amounts Designated as "Unremitted Principal":** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection Filed: *Fourth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in Roam Development Group, LP Loan Except for Amounts Designated as "Unremitted Principal" filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 6708]*

Status No response filed.

5. **Fifth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in Roam Development Group, LP Loan Except for Amounts Designated as "Unremitted Principal":** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection Filed: *Fifth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in Roam Development Group, LP Loan Except for Amounts Designated as "Unremitted Principal" filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 6710]*

Status No response filed.

6. **Sixth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in Roam Development Group, LP Loan Except for Amounts Designated as "Unremitted Principal":** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection Filed: *Sixth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in Roam Development Group, LP Loan Except for Amounts Designated as "Unremitted Principal" filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 6712]*

Status No response filed.

7. **Seventh Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in Roam Development Group, LP Loan Except for Amounts Designated as "Unremitted Principal":** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection Filed: *Seventh Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in Roam Development Group, LP Loan Except for Amounts Designated as "Unremitted Principal"* filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 6714]

Status No response filed.

8. **Eighth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in Roam Development Group, LP Loan Except for Amounts Designated as "Unremitted Principal":** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection Filed: *Eighth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in Roam Development Group, LP Loan Except for Amounts Designated as "Unremitted Principal"* filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 6716]

Status No response filed.

9. **Ninth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in Roam Development Group, LP Loan Except for Amounts Designated as "Unremitted Principal":** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection Filed: *Ninth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in Roam Development Group, LP Loan Except for Amounts Designated as "Unremitted Principal"* filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 6718]

Status No response filed.

10. **Tenth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in Roam Development Group, LP Loan Except for Amounts Designated as "Unremitted Principal":** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection Filed: *Tenth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in Roam Development Group, LP Loan Except for Amounts Designated as "Unremitted Principal" filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 6720]*

Status No response filed.

11. **Motion to Approve Settlement Agreement By and Between the USACM LIQUIDATING TRUST, USA INVESTMENT PARTNERS, LLC, TOBLAK, LLC, DDH FINANCIAL CORP., AND TANAMERA COMMERCIAL DEVELOPMENT, LLC:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Motion Filed: *Motion to Approve Settlement Agreement By and Between the USACM LIQUIDATING TRUST, USA INVESTMENT PARTNERS, LLC, TOBLAK, LLC, DDH FINANCIAL CORP., AND TANAMERA COMMERCIAL DEVELOPMENT, LLC* Filed by ERIC D. MADDEN on behalf of USACM LIQUIDATING TRUST [DE 6745]

Status No response filed.

12. **First Omnibus Objection of USACM Liquidating Trust to Duplicate Proofs of Claim; and Certificate of Service:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection Filed: *First Omnibus Objection of USACM Liquidating Trust to Duplicate Proofs of Claim; and Certificate of Service* filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 6728]

Status No response filed.

13. **Second Omnibus Objection of USACM Liquidating Trust to Duplicate Proofs of Claim; and Certificate of Service:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection Filed: *Second Omnibus Objection of USACM Liquidating Trust to Duplicate Proofs of Claim; and Certificate of Service* filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 6730]

Status No response filed.

14. Third Omnibus Objection of USACM Liquidating Trust to Duplicate Proofs of Claim: 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection Filed: *Third Omnibus Objection of USACM Liquidating Trust to Duplicate Proofs of Claim* filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 6732]

Status No response filed.

15. Fourth Omnibus Objection of USACM Liquidating Trust to Duplicate Proofs of Claim: 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection Filed: *Fourth Omnibus Objection of USACM Liquidating Trust to Duplicate Proofs of Claim* filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 6734]

Status No response filed.

16. Fifth Omnibus Objection of USACM Liquidating Trust to Duplicate Proofs of Claim: 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection Filed: *Fifth Omnibus Objection of USACM Liquidating Trust to Duplicate Proofs of Claim* filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 6736]

Status No response filed.

17. Sixth Omnibus Objection of USACM Liquidating Trust to Duplicate Proofs of Claim: 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection Filed: *Sixth Omnibus Objection of USACM Liquidating Trust to Duplicate Proofs of Claim* filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 6738]

Status No response filed.

18. Seventh Omnibus Objection of USACM Liquidating Trust to Duplicate Proofs of Claim: 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection Filed: *Seventh Omnibus Objection of USACM Liquidating Trust to Duplicate Proofs of Claim* filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 6740]

Status No response filed.

19. **Eighth Omnibus Objection of USACM Liquidating Trust to Duplicate Proofs of Claim:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection Filed: *Eighth Omnibus Objection of USACM Liquidating Trust to Duplicate Proofs of Claim* filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 6742]

Status No response filed.

20. **First Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Palm Terrace Litigation:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection Filed: *First Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Palm Terrace Litigation* filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 6752]

Response Filed: Response Filed by JONATHAN A. MCMAHON on behalf of PALM TERRACE CLAIMANTS [DE 6807]

Reply Filed: Reply in Support of Omnibus Objections of USACM Trust to Proofs of Claim Based Upon Palm Terrace Litigation filed by JOHN HINDERAKER on behalf of USACM Trust [DE 6830]

Status The USACM Trust will ask that the Court grant the objection to the extent it is not opposed and set a scheduling conference on the portion of the WOW Enterprises claim that is disputed.

21. **Second Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Palm Terrace Litigation:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection Filed: *Second Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Palm Terrace Litigation* filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 6753]

1 **Response Filed:** Response Filed by JONATHAN A. MCMAHON on behalf of
2 2/12/09 PALM TERRACE CLAIMANTS [DE 6808]

3 **Reply Filed:** Reply in Support of Omnibus Objections of USACM Trust to
4 2/17/09 Proofs of Claim Based Upon Palm Terrace Litigation filed by
JOHN HINDERAKER on behalf of USACM Trust [DE 6830]

5 **Status** The USACM Trust will ask that the Court grant the objection to
6 the extent it is not opposed and set a scheduling conference on the
7 portion of the WOW Enterprises claim that is disputed.

8 **22. Third Omnibus Objection of USACM Trust to Proofs of Claim Based**
9 **Upon Palm Terrace Litigation:** 06-10725-lbr, USA Commercial Mortgage Company,
Chapter 11

10 **Objection Filed:** *Third Omnibus Objection of USACM Trust to Proofs of Claim*
11 1/16/09 *Based Upon Palm Terrace Litigation* filed by JOHN
HINDERAKER on behalf of USACM LIQUIDATING TRUST
12 [DE 6754]

13 **Response Filed:** Response Filed by JONATHAN A. MCMAHON on behalf of
14 2/12/08 PALM TERRACE CLAIMANTS [DE 6809]

15 **Reply Filed:** Reply in Support of Omnibus Objections of USACM Trust to
16 2/17/09 Proofs of Claim Based Upon Palm Terrace Litigation filed by
JOHN HINDERAKER on behalf of USACM Trust [DE 6830]

17 **Status** The USACM Trust will ask that the Court grant the objection to
18 the extent it is not opposed and set a scheduling conference on the
portion of the WOW Enterprises claim that is disputed.

19 **23. Fourth Omnibus Objection of USACM Trust to Proofs of Claim Based**
20 **Upon Palm Terrace Litigation:** 06-10725-lbr, USA Commercial Mortgage Company,
21 Chapter 11

22 **Objection Filed:** *Fourth Omnibus Objection of USACM Trust to Proofs of Claim*
23 1/16/09 *Based Upon Palm Terrace Litigation* filed by JOHN
HINDERAKER on behalf of USACM LIQUIDATING TRUST
24 [DE 6755]

25 **Response Filed:** Response Filed by JONATHAN A. MCMAHON on behalf of
26 2/12/09 PALM TERRACE CLAIMANTS [DE 6810]

Reply Filed: Reply in Support of Omnibus Objections of USACM Trust to Proofs of Claim Based Upon Palm Terrace Litigation filed by JOHN HINDERAKER on behalf of USACM Trust [DE 6830]
2/17/09

Status The USACM Trust will ask that the Court grant the objection to the extent it is not opposed and set a scheduling conference on the portion of the WOW Enterprises claim that is disputed.

24. **Motion to Approve Settlement With Debt Acquisition Company Of America V, LLC:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Motion Filed: Motion to Approve Settlement *With Debt Acquisition Company Of America V, LLC* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6770]
1/27/09

Objection Filed: Objection to Motion to Approve Settlement filed by Jay C. McLaughlin, Peggy Ann Valley [DE 6793]

Response filed: Response to Motion to Approve Settlement filed by Curtis F. Clark [DE 6813]
2/12/09

Opposition filed: Opposition with Certificate of Service Filed by CAROL MORTENSEN [DE 6818]
2/13/09

Joinder filed: Joinder Filed by JANICE LUCAS [DE 6819]
2/13/09

Joinder filed: Joinder Filed by CONNIE WESTBROOK [DE 6820]
2/13/09

Joinder filed: Joinder Filed by KENNETH ZAWACKI [DE 6821]
2/13/09

Joinder filed: Joinder Filed by EDWARD SCHOONOVER [DE 6822]
2/13/09

Joinder filed: Joinder Filed by WILLIAM R. MORENO [DE 6823]
2/13/09

Joinder filed: Joinder Filed by JAMES W. MCCOLLUM [DE 6824]
2/13/09

Joinder filed: Joinder Filed by ARTHUR I. KRISS [DE 6825]
2/13/09

Joinder filed: Joinder Filed by DANIEL D NEWMAN [DE 6826]
2/13/09

Joinder filed: Joinder Filed by DONALD L HESS [DE 6827]
2/13/09

Joinder filed: Joinder Filed by TARIQ CHAUDHRY [DE 6828]
2/13/09

Status The USACM Liquidating Trust requests that the Court overrule the objection/response(s) and approve the agreement.

25. **Status Hearing Re: Objection to Claim 1279 of Lerin Hills Ltd in the amount of with Certificate of Service:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection Filed: Objection to Claim 1279 of Lerin Hills Ltd in the amount of with
3/13/07 Certificate of Service filed by ROB CHARLES on behalf of
USACM LIQUIDATING TRUST [DE 3080]

Reply Filed: Reply to Objection of the USACM Liquidating Trust to Proof of
6/06/07 Claim File by Lerin Hills Ltd. (Claim No. 203 & 1279) Filed by
MARJORIE A. GUYMON on behalf of MOUNTAIN WEST
MORTGAGE, LLC [DE 3904]

Status Continued from 4/26/07, 6/15/07, 12/20/07, 2/21/08, 5/8/08,
2/3/09. We are told that Lerin Hill's council will file a motion
withdraw before the status hearing.

26. **Status Hearing Re: Objection to Claim 792 of Copper Sage Commercial Center LLC in the amount of \$3,500,000.00 with Certificate of Service:**
06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection Filed: Objection to Claim 792 of Copper Sage Commercial Center LLC
3/13/07 in the amount of \$3,500,000.00 with Certificate of Service filed
by ROB CHARLES on behalf of USACM LIQUIDATING
TRUST [DE 3077]

Opposition Filed: Opposition with Certificate of Service Filed by SUSAN
4/19/07 WILLIAMS SCANN on behalf of COPPER SAGE COMMERCE
CENTER [DE 3502]

Status Continued from 4/26/07, 6/15/07, 10/15/07, 12/14/07, 2/21/08,
5/8/08, 2/3/09. The parties will submit a joint discovery plan in
advance of the hearing.

27. **Status Hearing Re: Objection to Claim 203 of Mountain West Mortgage Co./Lerin Hills in the amount of \$2,048,000.00 with Certificate of Service:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection Filed: 3/13/07 Objection to Claim 203 of Mountain West Mortgage Co./Lerin Hills in the amount of \$2,048,000.00 with Certificate of Service filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3078]

Reply Filed: 6/06/07 Reply to Objection of the USACM Liquidating Trust to Proof of Claim File by Lerin Hills LTD (Claim No. 203 & 1279) Filed by MARJORIE A. GUYMON on behalf of MOUNTAIN WEST MORTGAGE, LLC [DE 3904]

Status Continued from 4/26/07, 6/15/07, 10/15/07, 2/21/08, 5/8/08, 7/24/08, 2/3/09. We are told that Lerin Hill's council will file a motion to withdraw before the status hearing.

28. **Objection to Claim 10725-00532 of Linda Merialdo Living Trust DTD 8/6/05 in the amount of Unknown with Certificate of Service Filed in Wrong Debtor's Case; Objection of DTDF to Proposed Allowance of Proof of Claim:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Objection Filed: 1/02/09 Objection to Claim 10725-00532 of Linda Merialdo Living Trust DTD 8/6/02 in the amount of Unknown with Certificate of Service *Filed in Wrong Debtor's Case; Objection of DTDF to Proposed Allowance of Proof of Claim* filed by JOHN HINDERAKER on behalf of USACM LIQUIDATING TRUST [DE 6688]

Status Continued from 2/3/09 – No response filed.

Agenda for 10:30 a.m.

1. **Scheduling Conference:** Adv. 08-01114-lbr, USACM Liquidating Trust v. Shober Consulting, Inc.

Order filed: 11/20/08 Order Re Scheduling Conference. Scheduling Conference scheduled for 2/20/2009 at 10:30 AM at LBR-Courtroom 1, Foley Federal Bldg. [DE 19]

Status Discovery is proceeding. Discovery cutoff is Feb. 25, 2009.

1 2. **Continued Status Hearing:** Adv. 06-01256-lbr, USA Commercial
2 Mortgage Company et al v. Reale et al

3 **Order filed:** Order Continuing Status Hearing re Second Amended Complaint.
4 1/26/09 Continued Status hearing to be held on 2/20/2009 at 10:30 AM at
LBR-Courtroom 1, Foley Federal Bldg. [DE 420]

5 **Status** Continued from Jan. 22, 2009.

6
7 3. **Scheduling Conference:** Adv. 08-01120-lbr, USACM Liquidating Trust v.
Gentile De Palma Ltd. et al

8 **Order filed:** Order Re Scheduling Conference. Continued Scheduling
9 1/26/09 Conference scheduled for 2/20/2009 at 10:30 AM at LBR-
10 Courtroom 1, Foley Federal Bldg. [DE 18]

11 **Status** Counsel has filed a notice of settlement and a motion to stay for
12 the Court's consideration. The parties ask that the Court stay the
13 case for 15 months to allow the parties to complete the terms of
the settlement agreement.

14 4. **Motion to Withdraw as Attorney of Record FROM RONI AMID:** Adv.
15 07-01154-lbr, USACM Liquidating Trust v. J.M.K. Investments, Ltd. et al

16 **Motion filed:** Motion to Withdraw as Attorney of Record *FROM RONI AMID*
17 1/16/09 Filed by DAVID A. COLVIN on behalf of ALABRUJ LIMITED
18 PARTNERSHIP, RONI AMID, AURORA INVESTMENTS LP,
19 BROUWERS FAMILY LP, FIRST SAVINGS BANK FBO
20 VALLIERA MCGUIRE, FRANCIS FAMILY TRUST, LINDA
21 JANOVITCH, STEVEN JANOVITCH, JWB INVESTMENTS,
22 INC., JENNIFER MIDDLETON, LARRY J MIDDLETON,
23 MORNINGSIDE HOMES, INC., PAUL BLOCH LIVING
24 TRUST, ROBERT M PORTNOFF, SARAH PORTNOFF,
25 STEVEN PORTNOFF, SIMON FAMILY TRUST, THE
26 MARVIN & VALLIERA MYERS TRUST [DE 190]

Affidavit filed: Affidavit Of: DAVID A. COLVIN *OF MARQUIS & AURBACH'S MOTION TO WITHDRAW FROM RONI AMID*
1/16/09 Filed by DAVID A. COLVIN on behalf of ALABRUJ LIMITED PARTNERSHIP, RONI AMID, AURORA INVESTMENTS LP, BROUWERS FAMILY LP, FIRST SAVINGS BANK FBO VALLIERA MCGUIRE, FRANCIS FAMILY TRUST, LINDA JANOVITCH, STEVEN JANOVITCH, JWB INVESTMENTS, INC., JENNIFER MIDDLETON, LARRY J MIDDLETON, MORNINGSIDE HOMES, INC., PAUL BLOCH LIVING TRUST, ROBERT M PORTNOFF, SARAH PORTNOFF, STEVEN PORTNOFF, SIMON FAMILY TRUST, THE MARVIN & VALLIERA MYERS TRUST. [DE 191]

Response Filed: Response with Certificate of Service Filed by STEPHEN T
1/30/09 LODEN on behalf of USACM LIQUIDATING TRUST [DE 194]

Status Counsel are ready to proceed. No witnesses are expected to testify.

5. **Hearing Re: Stipulation and Order to Enlarge Briefing Schedule on Defendant's Motion to Compel Arbitration and Dismiss, or Alternatively, Stay Proceedings Pending Arbitration:** Adv. 08-01135-lbr, USACM Liquidating Trust et al v. Wells Fargo Bank, N.A.

Motion filed: Motion to Compel *Arbitration and Dismiss, or Alternatively, Stay Proceedings Pending Arbitration* Filed by MICHAEL W. O'DONNELL on behalf of WELLS FARGO BANK, N.A. [DE 79]

Stipulation filed: Stipulation and Order to Enlarge Briefing Schedule on Defendant's Motion to Compel Arbitration and Dismiss, or Alternatively, Stay Proceedings Pending Arbitration. Hearing scheduled 2/20/2009 at 10:30 AM at LBR-Courtroom 1, Foley Federal Bldg. [DE 86]

Stipulation and Order filed: Stipulation and Order Concerning Items at Docket Nos. 79 and 89 [DE 93]
1/21/09

Status Defendant's Motion was withdrawn.

1 6. **Order Shortening Time Re: Motion to Compel:** Adv. 08-01134-lbr,
2 USACM Liquidating Trust et al v. Petersen et al

3 **Motion filed:** Motion to Compel *(1) Plaintiff's Responses To Defendants*
4 1/30/09 *Request For Production Of Documents And; (2) To Amend*
5 *Discovery Plan; Memorandum Of Points And Authorities;*
6 *Declarations Of Timothy O'Reilly And Steven J. Katzman In*
7 *Support Thereof* Filed By Timothy R. O'Reilly On Behalf Of
8 Kathryn L. Petersen Living Trust, KLP Trust Dtd 7/15/99, Mary
 Petersen Family Trust Dtd 8/12/98, Michael D Petersen Family
 Trust Dtd 8/12/98, Kathryn L Petersen, Mary Petersen, Michael D
 Petersen [DE 51]

9 **Motion filed:** Motion for Order Shortening Time *For Hearing And Procedurally*
10 1/30/09 *Consolidating The Filing On The Three Captioned Adversary*
11 *Proceedings For Hearing On Motion To: (1) Compel Plaintiffs'*
12 *Responses To Defendants' Request For Production Of*
13 *Documents; And (2) To Amend Discovery Plan; Memorandum Of*
14 *Points And Authorities; Declaration Of Timothy O'Reilly In*
15 *Support Thereof* Filed By Timothy R. O'Reilly On Behalf Of
 Kathryn L. Petersen Living Trust, KLP Trust DTD 7/15/99, Mary
 Petersen Family Trust DTD 8/12/98, Michael D Petersen Family
 Trust DTD 8/12/98, Kathryn L Petersen, Mary Petersen, Michael
 D Petersen [DE 57]

16 **Renewed** Renewed Declaration Of: Steven Jay Katzman *In Support Of*
17 **Declaration filed:** *Defendants' Motion To: (1) Compel Plaintiffs' Responses To*
18 2/02/09 *Defendants Request For Production Of Documents And; (2) To*
19 *Amend Discovery Plan; Memorandum Of Points And Authorities*
20 Filed by TIMOTHY R. O'REILLY on behalf of MARY
21 PETERSEN FAMILY TRUST DTD 8/12/98, MICHAEL D
 PETERSEN FAMILY TRUST DTD 8/12/98, KATHRYN L
 PETERSEN, MARY PETERSEN, MICHAEL D PETERSEN
 [DE 58]

22 **Notice filed:** *Notice Of Bankruptcy Filings On Behalf Of Defendants In*
23 2/02/09 *Adversary Proceedings No. 08-01132 LBR, No. 08-01133 LBR,*
24 *And No. 08-01134 LBR* Filed by TIMOTHY R. O'REILLY on
25 behalf of MARY PETERSEN FAMILY TRUST DTD 8/12/98,
26 MICHAEL D PETERSEN FAMILY TRUST DTD 8/12/98,
 KATHRYN L PETERSEN, MARY PETERSEN, MICHAEL D
 PETERSEN [DE 59]

1 **Order filed:** Order Shortening Time on Defendants' Application for Order
2 2/04/09 Shortening Time for Hearing on Motion to: (1) Compel Plaintiffs'
3 Responses to Defendants' Request for Production of Documents;
4 and (2) to Amend Discovery Plan; Memorandum of Points and
5 Authorities; Declaration of TIMOTHY O'REILLY in Support
6 Thereof [DE 61]

7 **Stipulation filed:** Stipulation By USA CAPITAL DIVERSIFIED TRUST DEED
8 2/11/09 FUND, LLC, USACM LIQUIDATING TRUST and Between
9 MARY PETERSEN, MICHAEL PETERSEN AND KATHRYN
10 PETERSEN *Stipulation and Proposed Order for Continuance of*
11 *Hearing and Extension of Time to Submit Defendants' Expert*
12 *Report* Filed by MICHAEL YODER on behalf of USA CAPITAL
13 DIVERSIFIED TRUST DEED FUND, LLC, USACM
14 LIQUIDATING TRUST [DE 73]

15 **Status** Counsel has filed a stipulation and order to reschedule this hearing
16 for February 23, 2009 at 1:30 p.m. or such other time that the
17 Court has available on that date. In the event that the hearing is
18 not rescheduled, then counsel will be ready to proceed.

19 7. **Status Hearing:** Adv. 08-01119-lbr, USACM Liquidating Trust v. Russell
20 et al

21 **Order filed:** Order Setting Hearing. Status hearing to be held on 2/20/2009 at
22 2/05/09 10:30 AM at LBR-Courtroom 1, Foley Federal Bldg. [DE 45]

23 **Status** Counsel is ready to proceed. Counsel has conferred with Geoff
24 Berman, the Trustee of the USACM Trust, regarding his
25 availability for a settlement conference the week of March 30.
26 Mr. Berman is available on Monday, March 30. For the
remainder of the week, however, Mr. Berman is required to attend
the American Bankruptcy Institute Board Meeting and spring
meeting in Washington, D.C. and is not able to schedule
settlement conference. He is available for settlement conferences
the following week, April 6-9.

8. **Status Hearing:** Adv. 08-01125-lbr, USACM Liquidating Trust v. Eagle
Ranch, LLC et al

Order filed: Order Setting Hearing. Status hearing to be held on 2/20/2009 at
2/05/09 10:30 AM at LBR-Courtroom 1, Foley Federal Bldg. [DE 77]

1 **Notice of** Notice of Withdrawal of Entry of Default Against EAGLE
2 **Withdrawal filed:** RANCH with Certificate of Service Filed by MICHAEL YODER
2/13/09 on behalf of USACM LIQUIDATING TRUST [DE 82]
3 **Status** Counsel is ready to proceed. No witnesses will testify.
4

5 9. **Status Hearing:** Adv. 08-01129-lbr, USACM Liquidating Trust v.
6 Tanamera Resort Partners, LLC

7 **Order filed:** Order Setting Hearing. Status hearing to be held on 2/20/2009 at
2/05/09 10:30 AM at LBR-Courtroom 1, Foley Federal Bldg. [DE 21]
8

9 **Status** Counsel is ready to proceed. Counsel has conferred with Geoff
Berman, the Trustee of the USACM Trust, regarding his
10 availability for a settlement conference the week of March 30.
Mr. Berman is available on Monday, March 30. For the
11 remainder of the week, however, Mr. Berman is required to attend
the American Bankruptcy Institute Board Meeting and spring
12 meeting in Washington, D.C. and is not able to schedule
settlement conference. He is available for settlement conferences
13 the following week, April 6-9.
14

15 10. **Status Hearing:** Adv. 08-01131-lbr, USACM Liquidating Trust v.
16 Bingham McCutchen, LLP

17 **Order filed:** Order Setting Hearing. Status hearing to be held on 2/20/2009 at
2/05/09 10:30 AM at LBR-Courtroom 1, Foley Federal Bldg. [DE 26]
18

19 **Status** Counsel is ready to proceed. Counsel has conferred with Geoff
Berman, the Trustee of the USACM Trust, regarding his
20 availability for a settlement conference the week of March 30.
Mr. Berman is available on Monday, March 30. For the
21 remainder of the week, however, Mr. Berman is required to attend
the American Bankruptcy Institute Board Meeting and spring
22 meeting in Washington, D.C. and is not able to schedule
settlement conference. He is available for settlement conferences
23 the following week, April 6-9.
24
25
26

11. **Status Hearing:** Adv. 08-01135-lbr, USACM Liquidating Trust et al v. Wells Fargo Bank, N.A.

Complaint filed: Adversary case 08-01135. Complaint Filed by USACM LIQUIDATING TRUST, USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC, USA CAPITAL FIRST TRUST DEED FUND, LLC vs. WELLS FARGO BANK, N.A. [DE 1]

Answer filed: Answer to Complaint *with Certificate of Service* Filed by KENT F. LARSEN on behalf of WELLS FARGO BANK, N.A. [DE 66]

Order filed: Order Setting Hearing. Status hearing to be held on 2/20/2009 at 10:30 AM at LBR-Courtroom 1, Foley Federal Bldg. [DE 99]

Status Counsel is ready to proceed. Counsel has conferred with Geoff Berman, the Trustee of the USACM Trust, regarding his availability for a settlement conference the week of March 30. Mr. Berman is available on Monday, March 30. For the remainder of the week, however, Mr. Berman is required to attend the American Bankruptcy Institute Board Meeting and spring meeting in Washington, D.C. and is not able to schedule settlement conference. He is available for settlement conferences the following week, April 6-9.

12. **Status Hearing:** Adv. 08-01209-lbr, USACM Liquidating Trust et al v. Fogg

Complaint filed: Adversary case 08-01209. Complaint Filed by USACM LIQUIDATING TRUST, USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC vs. DAVID A FOGG [DE 1]

Answer filed: Answer to Complaint ; *Request for Jury Trial with Certificate of Service* Filed by RYAN J. WORKS on behalf of DAVID A FOGG [DE 10]

Order filed: Order Setting Hearing. Status hearing to be held on 2/20/2009 at 10:30 AM at LBR-Courtroom 1, Foley Federal Bldg. [DE 27]

Status

Counsel is ready to proceed. Counsel has conferred with Geoff Berman, the Trustee of the USACM Trust, regarding his availability for a settlement conference the week of March 30. Mr. Berman is available on Monday, March 30. For the remainder of the week, however, Mr. Berman is required to attend the American Bankruptcy Institute Board Meeting and spring meeting in Washington, D.C. and is not able to schedule settlement conference. He is available for settlement conferences the following week, April 6-9.

13. **Motion to Approve Compromise Under Rule 9019 Between USACM Liquidating Trust and Fiesta Development, Inc., Ashby USA, LLC, Richard K. Ashby, Random Developments, LLC, and Ashby Development Company, Inc.:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter 11

Motion filed:
2/10/09

Motion to Approve Compromise under Rule 9019 *between USACM LIQUIDATING TRUST and FIESTA DEVELOPMENT, INC., ASHBY USA, LLC, RICHARD K. ASHBY, RANDOM DEVELOPMENTS, LLC, AND ASHBY DEVELOPMENT COMPANY, INC. with Certificate of Service* Filed by STEPHEN T LODEN on behalf of USACM LIQUIDATING TRUST [DE 6794]

Status

No response filed.

14. **Status Hearing:** Adv. 08-01066-lbr, USACM Liquidating Trust v. Compass USA SPE, LLC et al

Order filed:
2/06/09

Order Setting Hearing. Status hearing to be held on 2/20/2009 at 10:30 AM at LBR-Courtroom 1, Foley Federal Bldg. [DE 48]

Status

Counsel has conferred with Geoff Berman, the Trustee of the USACM Trust, regarding his availability for a settlement conference the week of March 30. Mr. Berman is available on Monday, March 30. For the remainder of the week, however, Mr. Berman is required to attend the American Bankruptcy Institute Board Meeting and spring meeting in Washington, D.C. and is not able to schedule settlement conferences. He is available for settlement conferences the following week, April 6-9.

1 15. **Motion to Compel Arbitration and Dismiss, or Alternatively, Stay**
2 **Proceedings Pending Arbitration:** Adv. 08-01135-lbr, USACM Liquidating Trust v.
3 Wells Fargo Bank, N.A.

4 **Motion to Compel** Motion to Compel *Arbitration and Dismiss, or Alternatively, Stay*
5 **filed:** *Proceedings Pending Arbitration* Filed by MICHAEL W.
6 11/25/08 O'DONNELL on behalf of WELLS FARGO BANK, N.A. [DE
7 79]

8 **Agreed Stipulation** Agreed Stipulation By WELLS FARGO BANK, N.A. and
9 **filed:** Between *USACM LIQUIDATING TRUST, USA CAPITAL FIRST*
10 12/30/08 *TRUST DEED FUND, LLC AND USA CAPITAL DIVERSIFIED*
11 *TRUST DEED FUND, LLC to Enlarge Briefing Schedule on*
12 *Plaintiffs' Motion for Leave to File First Amended Complaint and*
13 *Proposed Order* Filed by STEVE A. PEIRCE on behalf of
14 WELLS FARGO BANK, N.A. [DE 91]

15 **Stipulation and** Stipulation and Order Concerning Items at Docket Nos. 79 and 89
16 **Order filed:** [DE 93]
17 1/21/09

18 **Status** Defendant's Motion was withdrawn.

19 16. **Motion to File Amended Complaint:** Adv. 08-01135-lbr, USACM
20 Liquidating Trust v. Wells Fargo Bank, N.A.

21 **Motion filed:** Motion to File Amended Complaint Filed by LISA TSAI on
22 behalf of USA CAPITAL DIVERSIFIED TRUST DEED FUND,
23 LLC, USA CAPITAL FIRST TRUST DEED FUND, LLC,
24 USACM LIQUIDATING TRUST [DE 89]

25 **Agreed Stipulation** Agreed Stipulation By WELLS FARGO BANK, N.A. and
26 **filed:** Between *USACM LIQUIDATING TRUST, USA CAPITAL FIRST*
27 12/30/08 *TRUST DEED FUND, LLC AND USA CAPITAL DIVERSIFIED*
28 *TRUST DEED FUND, LLC to Enlarge Briefing Schedule on*
29 *Plaintiffs' Motion for Leave to File First Amended Complaint and*
30 *Proposed Order* Filed by STEVE A. PEIRCE on behalf of
31 WELLS FARGO BANK, N.A. [DE 91]

32 **Stipulation and** Stipulation and Order Concerning Items at Docket Nos. 79 and 89
33 **Order filed:** [DE 93]
34 1/21/09

35 **Status** Order has been entered.



1 Dated February 17, 2009.

2 **LEWIS AND ROCA LLP**

3
4 By: /s/ RC (#6593)
5 Susan M. Freeman, AZ 4199 (*pro hac vice*)
6 Rob Charles, NV 6593
7 John Hinderaker, AZ 18024 (*pro hac vice*)
8 *Counsel for USACM Liquidating Trust*

9 **PROOF OF SERVICE**

10 COPY of the aforementioned sent via e-
11 mail or U.S. First Class Mail on February
12 17, 2009 to the parties listed on Post-
13 Effective Official Service List for Limited
14 Notice No. 4 Dated January 8, 2008.

15 /s/ Carrie Lawrence
16 Carrie Lawrence
17 Lewis and Roca LLP
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